



Kraft Foods

J. Edward Thompson
Chief Food Law Counsel

4765 '00 AUG 30 AM 10:01

August 28, 2000

Dockets Management Branch (HFA-305)
Food and Drug Administration
Room 1-23
12420 Parklawn Drive
Rockville, MD 20857

RE: Citizen Petition to Amend the Definition
And Standard Of Identity for Parmesan Cheese
21 CFR Section 133.165

The undersigned [Kraft Foods, Inc.] submits this petition under Sections 401 and 701 of the Food, Drug and Cosmetic Act (21 U.S.C. 341, 371) to request the Commissioner of Food and Drugs to initiate rulemaking to amend the Standard of Identity for Parmesan Cheese (21 C.F.R. 133.165) for the purpose of promoting honesty and fair dealing in the interest of consumers.

A. Action Requested

The Petitioner proposes that 21 C.F.R. Section 133.165, the standard of identity for "Parmesan cheese and reggiano cheese" be amended as follows:

Section 133.165(a) presently contains the following sentence:

"It is cured for not less than 10 months."

The Petitioner proposes that the sentence be revised to read:

"It is cured for not less than 6 months."

B. Statement of Grounds

Petitioner produces and sells substantial quantities of parmesan cheese throughout the United States and is therefore an interested person. Petitioner was an active participant in the development of the existing definition and standard for parmesan cheese when it was promulgated in the late 1940's and when the standard was subsequently amended in 1973, following a hearing, to reduce the required curing time from 14 months to the current 10 months.

Petitioner's make procedure involves the use of an improved enzyme technology, but is otherwise consistent with the make procedure and curing techniques petitioner has followed for many years. Using commercially available safe and suitable enzyme, which is provided for under paragraph (b) of the standard, and the current make procedure, it is possible to produce fully cured parmesan cheese suitable for grating in 6 months, rather than the 10 month minimum curing time currently required by the standard of identity. The modern manufacturing procedures, commercially available enzymes and modern equipment utilized by petitioner are generally available to enable any knowledgeable processor through the utilization of adequate scientific research and experimentation to produce parmesan cheese conforming with the standard of identity in the shorter 6 month curing time. This is evidenced by the fact that parmesan cheese cured for 6 months is currently being marketed by an additional processor under a temporary permit. [64 Fed. Reg. 60820 (Nov. 8, 1999)].

Petitioner has determined through periodic evaluation of product, that parmesan cheese cured for 6 months is physically and organoleptically equivalent to current parmesan cheeses cured for 10 months. In addition, petitioner conducted organoleptic evaluations through consumer taste panels which confirm that the grated 6-month cured product is considered by consumers to be equivalent -- in taste, in texture, and in cooking properties -- to grated parmesan cheeses currently available to consumers. The shortened curing time has no effect on the nutrition profile of the product.

The reduction in curing time from 10 months to 6 months provides a substantial economic benefit to a manufacturer, by reducing the cost of inventory and by reducing losses from damage during the additional 4 month holding period. Moreover, a shorter curing time may make it possible for manufacturers to devote some of their production resources to the manufacture of other cheese products, thereby maximizing the use of plant resources and increasing production efficiencies.

In addition, the substantial curing/holding times required to produce parmesan cheese effectively mean that the cost of entry into the parmesan production business is quite high. In the long run, reducing the curing time for this product will significantly reduce the costs of entry into the business. Reduced entry costs, in turn, create the opportunity for greater competition, which inevitably inures to the benefit of consumers, who are best served by a marketplace in which there is more, rather than less, competition.

In 1973, the Commissioner found that the reduction in curing time from 14 months to 10 months increased productivity, improved product consistency, and reduced production costs with no material disadvantage to consumers. Based on these findings, he concluded that it would promote honesty and fair dealing in the interest of consumers to amend the standard of identity for parmesan cheese to reduce the required curing time from 14 months to a period of not less than 10 months. [34 Fed. Reg. 4710, 4715 (Feb. 21, 1973)]. In the approximately 30 years since that decision, technology has continued to improve the process to the point that parmesan cheese is now able to be produced within a curing period of 6 months. Petitioner submits that consistent with the 1973 findings the Commissioner again should conclude for essentially the same reasons, that it would promote honesty and fair dealing in the interest of consumers to amend the parmesan cheese standard to reduce its required curing period to not less than 6 months.

C. Environmental Impact

This petition is subject to a categorical exclusion under 21 C.F.R. 25.24(b)(1).


D. Economic Impact

Information will be provided to the extent requested by the Commissioner.

E. Certification

The undersigned certifies that to the best knowledge and belief of the undersigned, this petition includes all information and views on which the petition relies, and that it includes representative data and information known to the petitioner, which are unfavorable to the petition.

Respectfully submitted,
KRAFT FOODS, INC., Petitioner


J. Edward Thompson
Chief Food Law Counsel

®
Express

By

10³⁰ A.

5630 1061

132

1000

FedEx USA Airbill

FedEx
Tracking
Number

822760327977

RECIPIENT: PEEL HERE

1 From This portion can be removed for Recipient's records.

Date 8-30-00

FedEx Tracking Number

822760327977

Sender's Name PAT BUTTERFIELD

Phone

Company KRAFT FOODS INC

Address 3 LAKES DR

Dept./Floor/Suite/Room

City NORTHFIELD

State IL

ZIP

60093

2 Your Internal Billing Reference

2055-427

3 To

Recipient's Name

DOCKET MANAGEMENT
BRANCH (HFA-305)

Phone

Company

FOOD AND DRUG ADMINISTRATION

Address

~~1111~~ PARKLAWN DRIVE - Rm 1-23

To "HOLD" at FedEx

We cannot deliver to P.O. boxes or P.O. ZIP codes.

City

ROCKVILLE

State

MD

ZIP 20857

Dept./Floor/Suite/Room



8227 6032 7977

0149441388

4a Express

☒ FedEx P
Using

☐ FedEx 2
Second bu

4b Expre

☐ FedEx
Next busi

* Call for Confir

5 Pack

☐ FedEx

6 Spec

☐ SATUR
Available
Overnight
to select

Does it

☐ No

Danger

7 Paym

☒ Sende
Rec No
Date

Total

* Our lia

8 Re

By 10³⁰